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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventor(s): JEFFREY A. RAPAPORT et al.

SC/Serial No.: 10/058,154

Confirm. No.: 4077

Filed: January 25, 2002

Title: ADAPTIVE COMMUNICATION METHODS  
AND SYSTEMS FOR FACILITATING THE  
GATHERING, DISTRIBUTION AND DELIVERY  
OF INFORMATION RELATED TO MEDICAL  
CARE

PATENT APPLICATION

Art Unit: 2632

Examiner: Unknown

Customer No. 23910

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231 on April 8, 2002.

(Attorney Signature)

Gideon Gimlan, Reg. No. 31,955

Signature Date: April 8, 2002

PETITION FOR ACCEPTING DECLARATION SIGNED BY LESS THAN  
ALL THE NAMED INVENTORS PURSUANT TO 37 C.F.R. § 1.47(a)

Box DAC

Assistant Commissioner for Patents

Washington, D.C. 20231

04/11/2002 SMINASS1 00000008 10058154

Sir:

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The above-identified patent application lists five (5) individuals on its face as being co-inventors. Declarations signed in counterpart by four out of the five (4 / 5) of these individuals either accompanies this Petition or were already filed earlier.

Of the five (5) individuals listed on the face of the application as being co-inventors, the individual identified as Michael Bergens has still not provided a signed Declaration as is detailed below. The last known contact addresses and telephone number for this individual is as follows:

Last known mailing address:

Mr. Michael Uri Bergens  
General Delivery  
Incline Village, Nevada 89450

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Attorney Docket No.: STEC-02012USO/GGG  
ggg/stec/2012/2012.016

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OFFICE OF PETITIONS

Last known residential address:

Mr. Michael Uri Bergens  
491 South Murphy Ave., Apt #3  
Sunnyvale, California 94086

Last known telephone number:

None

Acceptance is respectfully requested of the enclosed, partially-signed Declarations as constituting a declaration on behalf of Michael Bergens in view of the below Detailed Remarks which present proof and explain why Michael Bergens is at present, a joint inventor who cannot be found or reached after diligent effort.

DETAILED REMARKS

Based on information and belief, all five of the named co-inventors were, at the time of invention, officers and/or employees of SolveTech Corporation (a California corporation headquartered in Sunnyvale, CA; hereafter "SolveTech") and were obligated under their respective fiduciary and/or employment agreements to assign rights in the subject invention to SolveTech. After the date of his inventive contribution to subject matter disclosed in the above-identified patent application, Mr. Bergens left employment with SolveTech. (The other four individuals remained with SolveTech.)

The below-signed attorney represents SolveTech, the real party in interest with respect to the subject application. His office attempted to contact Mr. Bergens by mailing a letter --a true copy of which is shown in Exhibit A-- to both Mr. Bergens' last known postal address (Incline Village, Nevada) and his last known place of residence (Sunnyvale, CA). The latter mailing (to the Sunnyvale residence) was deposited with the US Postal Service on or about March 15, 2002 and was returned by the Postal Service on or about March 25, 2002 in a ripped-open envelope (a true copy of which is shown (front and back sides) as Exhibit B) with the postal person's initials on the bottom of a USPS-form RETURN-TO-SENDER stamp on the front and with an X placed next to the entry representing "ATTEMPTED". Someone appears to have written the word "MOVED" in blue pen across and over the RETURN-TO-SENDER stamp before it was returned to the attorney's office. There is another circled word,

"TRY" written on the front of the envelope in black ink, but nothing after it. (Perhaps it was the Postal supervisor instructing the deliverer to try anyway even though the deliverer thought Mr. Bergens had moved? --This is mere speculation.) The letter was routed through this law firm's San Francisco office before reaching the below attorney after March 25. From the cancellation stamp, it appears that the USPS delivery was attempted between about March 15-18th.

Other than the Incline Village, General Delivery address, officials at SolveTech do not appear to have any further contact information for Mr. Bergens. The copy of the letter (Exhibit A) has not been returned to the office of the below-signed attorney and no response has been yet received from Mr. Bergens as a result of the respective mailings to the Incline Village, General Delivery address and the Sunnyvale residential address.

A search on the Internet (Google advanced search) for the exact string "Michael U. Bergens" or "Michael Uri Bergens" provided zero matches. A similar search for "Michael Bergens" provided just a handful of matches, but none of them appeared to be relevant (e.g., a football player for the Baltimore Ravens circa 1998 found at <http://www.fentonphoto.com/balti.htm>; a dance instructor in San Francisco found at [http://www.dancing.com/profiles/p\\_nth\\_w.htm](http://www.dancing.com/profiles/p_nth_w.htm), etc.).

In view of the above-described attempts to locate and reach Mr. Bergens and the lack of response to date, it is respectfully requested that **Mr. Bergens be deemed as a joint inventor who cannot be found or reached after diligent effort pursuant to 37 C.F.R. §1.47(a).**

The required fee for this Petition, as set forth in 37 C.F.R. §1.17(h) is enclosed.

It is respectfully requested that the Declarations signed by those inventors who have joined in this application be deemed to be a further Declaration on behalf of the non-signing inventor. It is further requested that the application now be deemed as complete.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: April 8, 2002

By:   
Gideon Gimlan, Reg. No. 31,955  
Telephone (408) 748-7300

FLIESLER, DUBB, MEYER & LOVEJOY LLP  
Four Embarcadero Center, Suite 400  
San Francisco, California 94111-4156  
Telephone: (415) 362-3800

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